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EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,705

Applicant(s)

MORGAN ET AL.

Examiner

Paul Nguyen-Ba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/7/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/7/2005 has been entered.
2. Claims 1-32 have been considered. Claims 1, 14, 25 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973, in further view of Dodrill et al. ("Dodrill"), U.S. Patent No. 6,912,691, in further view of Ferber, U.S. Patent Application Publication No. 2001/0032193.

Regarding Independent Claim 1, Getchius discloses:

a computer readable medium encoded with structured information for expressing specific business content, the structured information comprising (See Abstract; see also Figs. 18 and 21. Generic objects are created and used to represent business listings upon which a user may perform queries):

a plurality of categories, wherein each category represents an aspect of the business (See Figs. 9, 10, 12, 14 and 44; see also col. 9 lines 37-43; col. 10 lines 1-17. Categories are associated with the various business listings); *and a plurality of elements associated with at least a subset of the plurality of categories, wherein each element represents a sub-aspect of the business* (See col. 61 lines 22-57. "Super-categories" may consist of a sub-set of the categories), *wherein the structured information is arranged hierarchically* (See col. 33 lines 6-10).

Getchius does not explicitly disclose:

"such that a particular business for which an instantiation of at least a portion of the structured information is applied..."

However, Visconti discloses a restaurant directory and marketing system wherein data describing a restaurant, including such attention inviting information like a unique recipe for which the restaurant may be known, the vitae of the chef, or some video images of the restaurant facility or its setting. Along with that inscription of data, the restaurant manager may also inscribe its particulars relating to credit card payment and a seating chart (see col. 2 lines 60-67). In more detail, each subscribing restaurant that seeks to join the web site is assigned a web page on which certain categorized information is inscribed along with such other information as the restaurateur deems of interest and prone to attract inquiries. The required information may comprise items like the restaurant address, menu listing, seating capacity and credit card facility

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which may then be selectively linked to other sites like those providing a directions map (see col. 3 lines 14-24).

Since Getchius and Visconti are both from the same field of endeavor, the purposes disclosed by Visconti would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Visconti to include aspects of a particular business for which an instantiation of at least a portion of the structured information is applied for the express motivational purpose of searching and finding information on various restaurants.

Getchius does not explicitly disclose:

wherein a portion of the structured information includes at least one element of at least one category that is flagged as representing voice portal content while another portion of the structured document includes at least one element of at least one category that is flagged as representing text for a wireless pocket pager advertisement.

However, Dodrill discloses:

wherein a portion of the structured information includes at least one element of at least one category that is flagged as representing voice portal content (see Abstract, col. 1 lines 13-17, col. 3 lines 19-24 → application defined by XML documents for delivering voice portal services)...

Furthermore, Ferber discloses:

while another portion of the structured document includes at least one element of at least one category that is flagged as representing text for a wireless pocket pager advertisement (see para [0025] → an XML document may be used for texting a wireless advertisement).

Since the references are from the same field of endeavor, the motivational purpose of a more efficient means of for delivering voice portal services using XML as disclosed by Dodrill and Ferber would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Dodrill and Ferber to include *wherein a portion of the structured information includes at least one element of at least one category that is flagged as representing voice portal content while another portion of the structured document includes at least one element of at least one category that is flagged as representing text for a wireless pocket pager advertisement.*

Regarding Claim 2, Getchius discloses:

wherein the structured information is extensible (See col. 13 lines 27-35 → SGML).

Regarding Claim 3, Getchius discloses the computer readable medium of claim 1 as discussed above, but does not specifically teach:

using extensible markup language for developing structured information.

However, Getchius discloses the use of SGML (See col. 13 lines 27-35), from which XML is a subset for the purpose of developing structured information. It was commonly known

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and would have been obvious at the time the invention was made to a person having ordinary skill in the art to use XML for the purpose of developing structured information.

Regarding Claim 4, Getchius discloses:

wherein the structured information expresses an advertising medium (See the last sentence of the Abstract and col. 5 lines 34-58).

Regarding Claim 5, Getchius discloses:

wherein the structured information expresses the specific business content of a dining guide... (See Fig. 12 → restaurant guide; and refer to rationale relied upon to reject claim 1 above).

Regarding Claim 6, Getchius discloses:

wherein at least one of categories comprises a graphic, a cover, an index and a map (See Fig. 3, 11, 13, and 15).

Regarding Claim 7, Getchius discloses:

wherein the graphic comprises at least one item selected from the group consisting of an advertisement, amenities, advertiser descriptors and payment method (Please refer to the rationale relied upon to reject claim 6 above).

Regarding Claim 9, Getchius discloses:

wherein the advertisement is identified by an ad ID and a copy ID (See Figs. 60 and 61, col. 49 lines 48 *et seq.* → advertisement IDs; see also col. 57 lines 49 *et seq.* → copy nodes and IDs).

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Regarding Claim 10, Getchius discloses:

wherein the graphic comprises a logo (Please refer to the rationale relied upon to reject claim 6 above).

Regarding Claim 11, Getchius does not specifically disclose: *a cuisine code*.

However, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a cuisine code or identification in a dining guide for the purpose of serving as a shorthand symbol or representation of the type cuisine associated with a particular establishment.

Regarding Claim 12, Getchius discloses:

wherein at least some of the structured information is predetermined (See col. 9 lines 30-33 → predetermined top categories).

5. Claims 14-20, and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. (“Getchius”), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973, in further view of Dodrill et al. (“Dodrill”), U.S. Patent No. 6,912,691, in further view of Ferber, U.S. Patent Application Publication No. 2001/0032193, in further view of admitted prior art (admission) on page 2, paragraphs [0003]-[0004].

With respect to Independent claim 14, please refer to the rationale relied upon to reject independent claim 1. However, Getchius, in view of cited references, does not explicitly disclose:

*receiving content corresponding to the plurality of categories and the plurality of elements into an XFDF format form corresponding to a document type definition (DTD);
...that is populated with the content received into the XFDF form by applying an XSL transformation to the content of the XFDF format to produce...XML format data having the hierarchical structure in accordance with the DTD.*

However, admission discloses that advanced image editors such as PhotoShop and Illustrator both from Adobe allow complete graphic design in a PDF file (see para [0003]). A file format known as XFDF is employed and works well with Adobe software programs (see para [0004]).

It was commonly known to those of ordinary skill in the art that XFDF (XML Forms Data Format) conforms to the XML standard, which has gained wide acceptance and is supported by many existing XML tools. For example, XML tools supporting XSLT can be used to transform an XFDF file to another format. XML validation tools can be used to ensure that an XFDF file conforms to the XFDF Schema. XFDF format is simply an XML-based file format for representing form data and annotations that are contained in a PDF form. Therefore it would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the XFDF format to produce XML format data having a hierarchical structure for the motivational purpose of more efficient form-based graphic design in an XML environment.

With respect to claims 15, 16, and 26, please refer to the rationale relied upon to reject claim 3. Furthermore, it was commonly known and would have been obvious at the time the invention was made to a person having ordinary skill in the art that a DTD is associated with an XML file to define the legal building blocks of the XML document.

With respect to claims 17 and 28, refer to the rationale relied upon to reject claim 5.

Regarding Claim 18, Getchius discloses:

...hierarchical structure comprises information related to restaurants (See Figs. 11 and 12).

With respect to claims 19 and 27, refer to the rationale relied upon to reject claim 4.

Regarding Claim 20, Getchius discloses:

...identification of an advertising type (See col. 51 lines 60-61).

With respect to independent claim 25, please refer to the rationales relied upon to reject independent claim 1 and 14.

With respect to claims 29, refer to the rationale relied upon to reject claim 20.

With respect to claims 23, 24, 31, and 32, please refer to the rationale relied upon to reject claim 6.

With respect to claim 32, refer to the rationale relied upon to reject claim 11.

6. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973, in further view of Dodrill et al. ("Dodrill"), U.S. Patent No. 6,912,691, in further view of Ferber, U.S. Patent Application Publication No. 2001/0032193, in further view of Zamora-McKelvy et al. ("Zamora"), U.S. Patent No. 5,991,770.

Regarding Claim 8, Getchius, in view of cited references, disclose the computer readable medium of claim 7 as discussed above, but does not specifically disclose the advertisement being identified by a UDAC.

However, Zamora discloses the identification of file information by means of a UDAC (col. 3 lines 2-5, 36-41) for the purpose of automatically generating a yellow page directory.

Since Getchius and Zamora are from the same field of endeavor, the purposes disclosed by Zamora would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include an advertisement being identified by a UDAC.

Regarding Claim 13, Getchius, in view of cited references, teaches the computer readable medium of claim 12 as discussed above, but does not specifically teach a predetermined ad height and width. However, Zamora teaches predetermined data file information (col. 1 lines 48 *et seq.*) for the purpose of automatically generating a yellow page directory.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include predetermined data ad properties such as height and width for the purpose of generating a yellow page directory.

7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Getchius et al. ("Getchius"), U.S. Patent No. 6,643,640, in view of Visconti, U.S. Patent No. 6,876,973, in further view of Dodrill et al. ("Dodrill"), U.S. Patent No. 6,912,691, in further view of Ferber, U.S. Patent Application Publication No. 2001/0032193, in further view of Zamora-McKelvy et al. ("Zamora"), U.S. Patent No. 5,991,770, in further view of Zamora-McKelvy et al. ("Zamora"), U.S. Patent No. 5,991,770.

Regarding Claim 21, Getchius, in view of cited references, disclose the computer readable medium of claim 7 as discussed above, but does not specifically disclose the advertisement being identified by a UDAC.

However, Zamora discloses the identification of file information by means of a UDAC (col. 3 lines 2-5, 36-41) for the purpose of automatically generating a yellow page directory.

Since Getchius and Zamora are from the same field of endeavor, the purposes disclosed by Zamora would have been recognized in the pertinent art of Getchius. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include an advertisement being identified by a UDAC.

Regarding Claim 22, Getchius, in view of cited references, teaches the computer readable medium of claim 12 as discussed above, but does not specifically teach a predetermined ad height and width. However, Zamora teaches predetermined data file information (col. 1 lines 48 *et seq.*) for the purpose of automatically generating a yellow page directory.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the teaching of Getchius with the teachings of Zamora to include predetermined data ad properties such as height and width for the purpose of generating a yellow page directory.

Response to Arguments

8. Applicant's outstanding arguments with respect to claims filed on 10/7/2005 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 11 am - 7 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB
12/8/2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
12/9/2005